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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	No. CR 06-0067 MHP
)	
15 Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION EXCLUDING TIME
16 v.)	FROM THE SPEEDY TRIAL ACT
)	CALCULATION
17 STEVEN FARREL TESTER,)	(18 U.S.C. § 3161 (h)(8)(A))
)	
18 Defendant.)	
)	

19 _____

20 The parties stipulate and agree, and the Court finds and holds, as follows:

21 1. The parties initially appeared on the instant matter February 24, 2006 for defendant's
22 arraignment on the indictment before the Honorable Maria Elena James.

23 2. On February 24, 2006, the matter was continued until March 13, 2006 for initial
24 appearance before the Honorable Marilyn Hall Patel. On March 13, 2006, the matter was
25 continued to April 3, 2006. On April 3, 2006, the matter was again continued to May 1, 2006.

26 3. On April 3, 2006, Michelle M. Thomson standing in for Douglas L. Rappaport, who
27 represents the defendant, requested an exclusion of time from April 3, 2006 to May 1, 2006,
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1 based on effective preparation of counsel. The parties moved that this same time period be
2 excluded from the calculation of time under the Speedy Trial Act.

3 3. In light of the foregoing facts, the failure to grant the requested exclusion would
4 unreasonably deny counsel for the defense the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),
6 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.
7 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §
8 3161(h)(8)(A).

9 4. For the reasons stated, the time period from April 3, 2006 through May 1, 2006 shall
10 be excluded from the calculation of time under the Speedy Trial Act.

11
12 IT IS SO STIPULATED.

13
14 DATED: _____

Respectfully Submitted,

15
16 _____
17 /S/
18 NAHLA RAJAN
19 Special Assistant United States Attorney

20 DATED: _____

21 _____
22 /S/
23 DOUGLAS L. RAPPAPORT
24 Counsel for Steven Farrel Tester

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: 4/7/2006
27 _____
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